

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. CR-23-140-RAW

AMANDA LYNN HOWERTON,

Defendant.

DEFENDANT AMANDA LYNN HOWERTON'S
MOTION FOR NONGUIDELINE SENTENCE AND
MEMORANDUM IN SUPPORT

Defendant Amanda Lynn Howerton requests a sentence of 180 months. This would require a downward variance of two levels. For the reasons discussed below, this sentence is sufficient but not greater than necessary to comply with the purposes of sentencing.

PROCEDURAL HISTORY & PRESENTENCE REPORT

On August 9, 2023, Ms. Howerton was indicted for Use of a Child to Produce a Visual Depiction. She pleaded guilty on February 5, 2024. There is no plea agreement in this case.

The PSR places Ms. Howerton in Criminal History Category I with a total offense level of 37. (Dkt. No. 47, *Presentence Investigation Report* at 11, ¶ 62). She is looking at a calculated guideline range of 210 to 262 months. *Id.* According to Judiciary Sentence Information, those with similar criminal history and total offense levels have received an average sentence of 199 months. *Id.* at ¶ 65 (citing U.S. Sentencing Commission's Judiciary Sentencing Information).

FIFTEEN YEARS IN PRISON IS A REASONABLE SENTENCE

The Court’s task is to identify and “impose a sentence that is sufficient, but not greater than necessary, to comply with the purposes” of sentencing. 18 U.S.C. § 3553(a). This Court knows well the 3553(a) factors and their application. A sentence of fifteen years is appropriate because of Ms. Howerton’s history and characteristics and the nature and circumstances of this offense.

A. Who is Ms. Howerton?

Ms. Howerton was born into an abusive home in Lawton, Oklahoma. Her mother was absent, and her father, when he wasn’t in jail, was using drugs in the home. (Dkt. No. 47, *Presentence Investigation Report* at 7, ¶ 39). She first experienced sexual abuse at five years old, and the Oklahoma Department of Human Services removed her from her parents’ custody on at least four occasions. *Id.* She dropped out of school after the ninth grade. *Id.* at ¶ 58.

Ms. Howerton married Tommy Howerton in 2007, and their relationship was awful from the start. *Id.* at 8, ¶ 44. Tommy physically abused Amanda’s son from a previous marriage, causing the Oklahoma Department of Human Services to remove the child from the family home in 2011. *Id.* at 8, ¶ 43. The abuse didn’t end there. Oklahoma Department of Human Services records indicate a history of domestic violence between Tommy and Ms. Howerton, including an event where Tommy verbally and physically abused Ms. Howerton in front of the couple’s children. *Id.* at 9-10, ¶ 53.

After separating from her husband, Ms. Howerton and her three children lived on the streets, in her car, and at homeless shelters. She worked at E-Z Mart for two years. *Id.* at 10, ¶ 59. Between a car

needing constant repairs and other significant expenses, she could never afford to get her family into different housing.

Despite this background, Ms. Howerton has not previously brushed with the criminal justice system. She has no prior arrests, charges, or convictions.

B. Ms. Howerton's Offense

In January 2023, Ms. Howerton and her three minor children were homeless. The four lived on the streets and at the McAlester Hope House, a homelessness recovery shelter for women and their children.

While residing there, Ms. Howerton began an online “relationship” with a man named Kenny. The two never met in person. Once Kenny learned about Ms. Howerton and her children’s financial situation, he offered Ms. Howerton the opportunity to fix her life. If she sent Kenny nude photographs of her daughter, he would pay to fix her car and give her money to restart her life.

Ms. Howerton was charged in a three-count Indictment—one count for each illegal image she produced. These three images, taken on the same day and for the same purpose, are the extent of her offense. When interviewed by law enforcement the day after taking these images, she confessed. Law enforcement searched her phone and found no evidence to suggest similar conduct had occurred outside of this one event.

To be clear, none of this excuses Ms. Howerton’s offense. She broke the law, accepts responsibility for her crime, and should be punished. But a fifteen-year sentence is sufficient but not greater than necessary to comply with the purposes set out in § 3553(a).

C. A fifteen-year sentence is adequate.

Fifteen years is a lengthy sentence for anyone, especially those without previous interactions with the criminal justice system. Ms. Howerton will be nearly sixty when she is released, and she will be required to register as a sex offender. She faces a supervised release term of up to life.

These terms are sufficient to ensure adequate deterrence and compliance with the law.

PLACE OF CONFINEMENT RECOMMENDATION

Ms. Howerton understands that the Court can make a non-binding recommendation for her confinement at a Bureau of Prisons facility. While the BOP is not required to follow the Court's recommendation, Ms. Howerton would request a facility within or near Oklahoma.

CONCLUSION

For these reasons, Ms. Howerton respectfully requests that the Court grant her a two-level downward variance and sentence her to fifteen years (180 months) imprisonment.

DATED: September 27, 2024.

Respectfully submitted,

OFFICE OF THE FEDERAL PUBLIC DEFENDER
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CERTIFICATE OF SERVICE

I certify that on September 27, 2024, I electronically transmitted this document to the Clerk of Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to the following ECF registrants:

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/s/Rhyder M. Jolliff
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